

My wife and I decided to invest our own hard earned dollars to build a broadcast TV enterprise. The FCC was careful, helpful, and clear in how this could be done. We appreciate the privilege of holding valid licenses to broadcast over American airwaves. We understand it is our obligation to serve the public. And we believe the FCC does a remarkable job of making sure all broadcasters play nice together. Avoiding the creation of interference in this crowded world of invisible spectrum is a daunting task. The FCC makes sure all broadcasters follow the rules so the public is well served by our broadcast services.

As a licensed Low Power TV broadcaster (LPTV), our mission is to bring hope and encouragement to people who had lost hope and become discouraged. Our decision to invest was based on our belief that we could deliver less prurient forms of entertainment while still providing beneficial forms of information. We focus on faith-based programming and family-friendly networks to fill the schedules of our stations. Our goal is to help people overcome the hopelessness and fear that has cast a tragic shadow over families across America. I am not ashamed of my hope in a gracious God. I am unwilling to be silent about the joy of knowing His love. And I am confident that the biblical foundation that underpinned the founding of our nation is still the most reasonable foundation upon which a family can depend. In my life I have needed redemption. I have found what I need in my faith. Therefore, I share what I have found. This is a most precious right of freedom in America. I pray this specific freedom will never be lost. And as a licensed TV broadcaster, I have a most precious privilege. I will declare the love of God and the hope that He provides as long as I have my freedom and my license.

Our LPTV stations fill one of the roles expected by the FCC when it created the LPTV division. In part, LPTV was created because the FCC understood the importance of religion in America. As made clear by the FCC in its own definition of how an LPTV station should function:

LPTV stations are operated by diverse groups and organizations - high schools and colleges, churches and religious groups, local governments, large and small businesses and individual citizens. LPTV modes of operation and programming vary widely. These include satellite-delivered programming services, syndicated programs, movies and a wide range of locally-produced programs. <http://www.fcc.gov/guides/low-power-television-lptv-service>

Like many churches and religious groups operating LPTV stations, we are focused on people. We believe it is more important to make deposits into the lives of people than into bank accounts. Our efforts are measured by a different standard than can be weighed on a scale or counted by a government agency. Not all endeavors are measured by sales, profits, market share, or speed of data transfer. Although it seems those type of statistics might be a driving force of many government officials and agencies.

I pray the FCC continues to protect our homes and families from pornography and other unlawful transmissions into our homes. I pray the FCC continues to properly regulate the free broadcast signals provided to American homes through our licensed spectrum. And I pray the FCC does not lose sight of its obligation to keep our airwaves free from interference to all licensed broadcasters--especially the most vulnerable among us--LPTV stations.

In fact, it has been my experience that the FCC does a wonderful job of insuring that LPTV broadcasters are protected from bad engineering and bad behavior. We are not allowed to inadvertently create problems for other LPTV broadcasters and we can never create interference for Full Power TV broadcasters. We are TV broadcasters in every sense of the term. And it is well understood that LPTV is a secondary service. But we are only secondary to Full Power TV broadcasters. As defined by the FCC:

LPTV stations have a secondary spectrum priority to full-service stations. This means LPTV stations must not cause interference to the reception of existing or future full-service television stations, must accept interference from full-service stations, and must yield to new full-service stations where interference occurs. <http://www.fcc.gov/guides/low-power-television-lptv-service>

As LPTV broadcasters, we are careful to avoid investing foolishly by placing ourselves under intolerable interference from Full Power broadcasters. And the risk of displacement by a Full Power TV broadcaster has cost a fortune for more than one LPTV operator forced to move to a new channel. But all broadcasters invest under the terms of the same implicit promise from the FCC: once built and licensed, no other broadcaster (or other form of service) could pull the rug out from under our operation. In other words, if the FCC authorized an LPTV broadcaster to build a station by granting a Construction Permit, once the broadcaster fulfilled the terms of the authorization and a valid FCC license was issued, the FCC would not permit the destruction of any LPTV broadcaster's investment by granting any Johnny-come-lately the authorization to interfere with our broadcast signal in our protected contour. In the terms of the FCC:

When there is interference between cable systems and LPTV stations, a first in time, first in right policy applies. Under this policy, the cable system or LPTV station that had initial use of the channel has first priority and is not responsible for correcting the interference. <http://www.fcc.gov/guides/low-power-television-lptv-service>

Therefore, it is only fair that if some new user wants to function within spectrum currently licensed and used by an LPTV broadcaster, the same first in time, first in right policy applies. I trust that if any other licensed or unlicensed service pollutes the LPTV airwaves, the FCC will force them to cease operations and compensate any licensee that might be damaged.

Honorable television broadcast licensees invest to serve the public based on an implicit promise from the FCC: once a license is granted, the license will continue to be renewed so long as the licensee serves the public in accordance with the terms of the license authorization. I pray that the FCC has no intent to change this time-honored practice. Certainly, it would be foolish for any broadcaster to invest in the engineering and construction costs to build a licensed station if that licensee could not expect the FCC to renew the license so that the station could continue broadcasting. Likewise, the tower leases and employee agreements required to launch stations would not be feasible if renewals were not a reasonable certainty. Barring bad behavior by a broadcaster, the FCC is faithful to honor the implicit promise given when inviting broadcasters to invest in serving the public.

In much the same way, we had been investing heavily to convert most of our 6MHz analog LPTV stations to 6MHz digital LPTV stations as mandated by the FCC. Our investments have been predicated on the implicit promise of the FCC that we would be permitted to pursue all the expected future benefits of television's new digital age. We therefore worked diligently to expand the free services our licensed 6MHz stations could provide. Our efforts through multicasting have allowed us to provide unique programming in both English and foreign language services not otherwise available to these communities. We believed wise regulatory decision-makers would open the floodgates of innovation and encourage TV broadcasters to be unshackled from old technologies and would help solve future digital congestion by freeing broadcasters to provide data distribution and other ancillary services that would facilitate economic and technological growth. We desired to participate in this exciting new future of communication in America. We intended to do our part in contributing to the digital growth of our community and we had every reason to believe we would be permitted to share in the successful opportunity to grow and prosper.

But recently, the FCC has indirectly--but unmistakably--threatened to take the spectrum we have licensed with the intention to sell it to powerful wireless monopolies. As a result, the FCC would intentionally destroy our business. Furthermore, as a byproduct, it would permit and encourage the monopolies to tighten their stranglehold on the future of consumer, business, academic, and even government video, data, and voice communication in America. Innovation thrives when competition is strong. We want to participate in the digital future of communication, not as shackled customers of a monopoly, but as licensed stakeholders helping to build that better future. Please do not rob our family of this future. Please do not stop us from providing wholesome, family-friendly, and, most importantly, free entertainment to our communities.

One of the greatest injustices in the proposed Voluntary Incentive Auction and the National Broadband Plan is the hardship it places on LPTV investors who, though they have been authorized to provide new television services to rural communities through the grant of new digital LPTV Construction Permits, they are currently at risk of expiration before the outcome of the legislation is known. We are now burdened with two choices: 1) lose our privilege of constructing through

expiration, or 2) invest without knowing the expectation of how the FCC's decisions will impact our investments. The NPRM suggests that the intent of the FCC might be to silence our operating stations without compensation. If that were allowed to happen, they could just as easily destroy the future stations built on the authorizations granted as current Construction Permits. It is unfair to force us to build them under the cloud of the spectrum repack. And it is equally unfair to force us to lose them through expiration before regulatory certainty can be established. The FCC had sound logic when it imposed the September 1, 2015 digital LPTV transition deadline and acknowledged that an earlier deadline for digital companion and flash-cut applications may create hardship among the licensees. In particular, the Commission concluded that an earlier deadline would unfairly,

require some low power operators to construct digital facilities twice: once to meet the 2012 conversion deadline; and then later in accordance with any reallocation scheme. We agree that it would be preferable for these stations not to have to make the significant investment required for conversion to digital facilities, when such facilities may have to be substantially modified due to channel displacement or taken off the air altogether in connection with the implementation of a spectrum repacking scheme.

Therefore, it was just and fair that digital flash-cut and companion channel modifications were automatically extended until September 1, 2015. It is unjust and potentially illegal to refuse to allow the same automatic extensions to the digital construction permits that the FCC granted prior to the release of the National Broadband Plan. We simply need more time before hiring employees and pouring millions of dollars into these new projects. It would be unfair to insist this be done prior to knowing the effects that the auction and/or repack will have on our investments.

We understand that if after the repacking, we are forced to move to another channel, that move must be done at our own expense. But neither the repacking nor the voluntary spectrum auction should cause the FCC to silence any of our LPTV stations or hinder us from fulfilling our mission to bring hope and encouragement to our communities. It is imperative that the FCC protects all licensed LPTV stations. Congress has insisted that our spectrum usage rights must be preserved. The FCC has both the legal and the moral obligation to protect honest licensed LPTV broadcasters.

It is unquestionable that many areas of the nation depend exclusively on the services of LPTV stations and the translators that rebroadcast the signals of distant or terrain blocked Full Power stations. We hope the FCC will protect all LPTV and Translator stations for the benefit of the viewers and to preserve the rights of those broadcasters who invested to provide LPTV services to the public. Please do not overlook the importance of LPTV broadcasters or the services provided by this vibrant segment of the broadcast industry. We do have rights. We have made considerable investments to build our stations and to provide the services authorized by our licenses.

It would also be unfair to betray millions of Americans who were encouraged to purchase new digital television sets so they could enjoy more free TV channels and higher quality digital TV programs. No free TV channels should be stripped from those citizens who acted on the promise of more and better stations through the digital transition.

No licensed TV broadcaster should be discouraged from providing free digital TV programming at a time when the American public demands and deserves more digital channels, not less. Yet the result of the NPRM is that the industry has been paralyzed by regulatory uncertainty. Where confidence in the future and investment toward expansion should be encouraged, fear and confusion is what has been stimulated. The demand for services provided by LPTV stations is growing. If properly regulated, instead of being threatened with destruction, the entire LPTV industry would experience a renaissance to the benefit of the industry and to those millions of people unable to afford cable, satellite, or other costly services that could be freely provided by LPTV entrepreneurs.

It is true that America wants and needs greater access to wireless services. That access and those services must be provided. But it should be done without damaging America's broadcast infrastructure. No licensed LPTV station should be involuntarily destroyed. Many believe that the alleged spectrum crunch is an inaccurate description of the nation's condition. It might be more correctly described as a problem that could be solved through a more robust wireless architecture. The problem will not be solved by allowing the wireless industry to grab more broadcast spectrum. The existing spectrum needs to be used more wisely. If the FCC were to permit a more flexible broadcast standard, the spectrum crunch would become a spectrum factory manufactured by broadcasters in short order. New methods to serve the public at lower prices for greater services would immediately rise to the surface. Nevertheless, if a legitimate spectrum need existed among wireless businesses, free market solutions exist to solve those problems. Licensed broadcast stations are sold, leased, or traded with regularity under the scrutiny of FCC regulators.

The spectrum used by LPTV broadcasters will best serve the public by remaining in the domain of TV broadcasters. The demand for higher and higher and higher resolution television programs continues to grow. The free market should define how wireless service providers interface with TV broadcasters.

Agreements should occur between willing participants. That is the practice employed in free societies. Even governments and their agencies are prohibited from confiscating private property without due compensation. A government taking should be the last resort, not the method of choice selected by regulators that would clearly benefit one class of business to the detriment of a competing class of business. Such confiscations and subsequent redistributions should never happen in our great nation because our citizens are protected by a Constitution and a Bill of Rights. Yet if the proposed repack by the FCC were to take place as suggested in the NPRM, many of my LPTV

stations would effectively be confiscated and redistributed to my wireless competitors. That result would strip the communities of the free services I have invested to provide under the authorization granted me by the FCC. That end would be horrific to me and to my family. And if our stations were seized in a repack, I believe it would be nothing less than an unconstitutional act.

It is my prayer that before acting to the detriment of any LPTV station, the FCC will consider my comments and others served by LPTV. And I believe the FCC will also learn about the need to protect LPTV from many of the nation's large Full Power TV broadcast groups, and also from the Congress that authorized the Spectrum Auction. I am hopeful that the FCC will conclude that the future of broadcasting is best served by protecting all licensed operating LPTV stations, as was the intention of Congress which stated that nothing in the repacking provision shall be construed to alter the spectrum usage rights of low-power television stations [Spectrum act 6403(b)(50)].

I believe our current spectrum usage rights are easily identifiable through widely used industry standards recognized by the FCC. Our current LPTV licenses and/or LPTV Construction Permits allow us to broadcast within our specific 6MHZ at least one program stream, or as many program streams as we deem practical. The spectrum usage rights licensed are to present these program streams to a protected contour engineered with known population estimates based on accepted Longley Rice contour studies done in accordance with FCC OET Bulletin 69. These licenses and permits are subject to interference only from full power broadcast television stations. As an LPTV licensee, we understand we are prohibited from creating interference from full power TV broadcasters. We understand we must accept interference from full power TV broadcasters if it exists. However, there are no other licensed or unlicensed users that can diminish our spectrum usage rights. If there were, the FCC would have informed us before acting on the implicit promises of the agency that authorized our extensive investments into the communities where we were licensed to serve the public through free over-the-air television broadcasts.

Having spoken at length with Congressman Joe Barton, there was certainly no mistaking the intention of the language as he expressed it to me and to the FCC at the recent Congressional hearing. Congressman Barton never intended for the FCC to have the right to wipe out existing licensed LPTV broadcasters who were serving the public. He assured me my stations were therefore safe. I trust him and I trust the FCC will do the right thing on my behalf.

Sincerely,
Randall Weiss
EICB-TV EAST, LLC